

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

914E0585

HOUSE ENGROSSED NO. **SB 125** - 02/27/2001

Introduced by: Senators Vitter, Albers, Apa, Koetzle, Moore, Olson (Ed), and Putnam and
Representatives Broderick, Abdallah, Flowers, Holbeck, and Solum

1 FOR AN ACT ENTITLED, An Act to clarify workers' compensation coverage for
2 uncompensated volunteers and prisoners.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 62-1-5.1 be amended to read as follows:

5 62-1-5.1. ~~Volunteer workers~~ Any volunteer worker rendering services in or for any agency,
6 department, institution, or instrumentality of the state or of any of its political subdivisions,
7 including ~~but not limited to~~ counties, townships, school districts, or municipalities, whose
8 services have been duly recommended to the officer or governing body responsible for
9 employment of personnel for the respective entity and duly appointed thereto by such officers
10 or governing body, shall for purposes of this title be deemed ~~employees~~ an employee of the state
11 or the political subdivision, as the case may be. The ~~appointments~~ appointment shall be entered
12 into the official records or minutes of the entity.

13 In the event of injury or death, for the purposes of computing compensation for volunteer
14 workers other than volunteer firefighters, said a volunteer uncompensated ~~workers shall be~~
15 ~~considered to be earning a wage that would entitle them to the maximum compensation for death~~

1 ~~or injury allowable under this title, but in~~ worker's employment earnings from all sources during
2 the last six months of employment shall be used. In the event the volunteer uncompensated
3 worker has never been employed, the worker shall be considered to be earning the state
4 minimum wage over a forty-hour week. The worker's average weekly wage shall be calculated
5 by one of the methods in §§ 62-4-25 to 62-4-27, inclusive. In no event ~~shall~~ may payments to
6 volunteer uncompensated workers exceed the maximum limitations for benefits as set out in this
7 title. No local prisoner, state inmate, or federal inmate providing services to the state or any of
8 its political subdivisions may be considered a volunteer worker under this section.